

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jul 22, 2021**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Anthony Joseph Rungo

Case Number: 0980 2:18CR00001-TOR -1

Address of Offender: [REDACTED], Spokane, Washington 99203

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: March 5, 2014

Original Offense: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 72 months
TSR - 60 months

Type of Supervision: Supervised Release

Amended Judgement: Prison - 87 months
(November 24, 2014) TSR - 60 monthsSentence Reduction: Prison - 72 months
(April 8, 2015) TSR - 60 monthsRevocation Sentence: Prison - 21 days
(October 20, 2020) TSR - 36 months

Asst. U.S. Attorney: Alison L. Gregiore

Date Supervision Commenced: November 4, 2020

Defense Attorney: Molly Winston

Date Supervision Expires: November 3, 2023

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 06/25/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Standard Condition # 6: You must allow the probation officer to visit you at anytime at your home or elsewhere and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

Supporting Evidence: It is alleged that Mr. Rungo violated the terms of his supervised release by failing to allow the undersigned officer to conduct a full walk through of his residence on July 13, 2021.

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On November 18, 2020, the conditions of supervision were reviewed with Mr. Rungo. He signed his judgment acknowledging an understanding of his conditions of supervision.

On July 13, 2021, the undersigned officer conducted an unannounced home visit, and access was granted through the kitchen door. Mr. Rungo shares this residence with his brother. He led officers to the basement area where he had his belongings. Mr. Rungo refused to allow the undersigned officer to conduct visual inspection of several common areas located upstairs, which included a kitchen, living room and bathroom. Mr. Rungo has full access to the residence.

- 3 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Rungo violated his conditions of supervised release by using marijuana on July 6 and 19, 2021.

On November 18, 2020, the conditions of supervision were reviewed with Mr. Rungo. He signed his judgment acknowledging an understanding of his conditions of supervision.

On July 6, 2021, Mr. Rungo submitted to urinalysis testing at Pioneer Human Services (PHS). The urine sample tested presumptive positive for marijuana. Mr. Rungo refused to sign an admission/denial report. Alere Toxicology confirmed a positive test for marijuana.

On July 19, 2021, Mr. Rungo submitted to urinalysis testing at PHS. The sample was presumptive positive for marijuana. Mr. Rungo refused to sign an admission/denial form. The sample was sent to the lab and is awaiting confirmation.

- 4 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Rungo violated his conditions of supervised release by failing to appear for a random urinalysis at PHS on July 16, 2021.

On November 18, 2020, the conditions of supervision were reviewed with Mr. Rungo. He signed his judgment acknowledging an understanding of his conditions of supervision.

On July 16, 2021, the color of the day for urinalysis testing at PHS was gold 3, Mr. Rungo's assigned color for urinalysis testing. The undersigned officer was notified that Mr. Rungo failed to appear for urinalysis testing.

On Monday, July 19, 2021, Mr. Rungo contacted the undersigned officer and claimed he missed his urinalysis test because his initial appearance finished too late. The undersigned officer contacted the U.S. probation officer that appeared on behalf of this officer, and was told Mr. Rungo's initial appearance concluded around 3 p.m. Urinalysis testing at PHS ends at 7 p.m.

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The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/22/2021

s/Corey M. McCain

Corey M McCain
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other: ***All pending alleged violations will be addressed at the Revocation of Supervised Release scheduled for 8/4/2021.***



Thomas O. Rice
United States District Judge

July 22, 2021

Date